



Federal Communications Commission
Washington, D.C. 20554

VIA EMAIL

May 26, 2016

Thomas J. Navin
Counsel to Neustar
Wiley Rein LLP
1775 K Street, N.W.
Washington, D.C. 20006

Dear Mr. Navin:

I refer to your letter of March 17, 2016 and your subsequent telephone conversation with FCC staff on May 24th. In your letter you request that the Commission give Neustar an assurance that "transferring competitively sensitive Number Portability Administration Center ("NPAC") user data to iconectiv is permissible in support of the transition to a new Local Number Portability Administrator ("LNPA")."¹ In particular, you assert that the transfer of the data "necessarily implicates Neustar's compliance with its longstanding neutrality obligations as the LNPA."² Your letter does not identify any specific neutrality obligations Neustar might violate by transferring the data. When staff discussed this matter with you during the telephone call on May 24th, you identified one provision in the Neustar Code of Conduct (the "Code") that, you assert, shows that Neustar might violate its neutrality obligations if it transferred data to iconectiv.³ That provision was item number four of the Code.

Item four of the Code states, in pertinent part, that "[c]onfidential information about Neustar's business services and operations will not be shared with employees of any telecommunications service provider" ("TSP").⁴ Since iconectiv is not a TSP,⁵ item four appears to be irrelevant to any neutrality analysis. Your request appears more relevant to the question of confidentiality, which is governed by the Master Services Agreement between Neustar and the North American Portability Management, LLC ("NAPM")

¹ Letter from Thomas J. Navin, Counsel to Neustar, Wiley Rein LLP, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 95-116 at 1 (filed Mar. 17, 2016)(Neustar Letter).

² Neustar Mar. 17, 2016 *Ex Parte* Letter at 2.

³ See Request of Lockheed Martin Corporation and Warburg, Pincus & Co. for Review of the Transfer of the Lockheed Martin Communications Industry Services Business, CC Docket No. 92-237, NSD File No. 98-151, Order, 14 FCC Rcd 19792 (1999).

⁴ Letter from Carville B. Collins, Counsel to Neustar, DLA Piper LLP, to North American Portability Management LLC, Tab 5, Neustar Code of Conduct and Further Neutrality Obligations (Mar. 25, 2013) .

⁵ See *NANP Administration Third Report and Order*, 12 FCC Rcd 23077. See also *In the Matter of Implementation of Telcordia Technologies, Inc. Petition to Reform Amendment 57 and to Order a Competitive Bidding Process for Number Portability Administration; Petition of Telcordia Technologies, Inc. to Reform or Strike Amendment 70, to Institute Competitive Bidding for Number Portability Administration, and to End the NAPM LLC's Interim Role in Number Portability Administration Contract Management; Telephone Number Portability*, WC Docket Nos. 07-149, 09-109, CC Docket 95-116, Order, 30 FCC Rcd 3082, 3152-3153 (2015) (*LNPA Selection Order*).

– in contrast to any neutrality question, which, as to Neustar, would be governed by the Commission’s rules and orders relating thereto. All that said, we are mindful of the time sensitivities surrounding the LNPA transition contemplated by the Commission’s March 27, 2015 *LNPA Selection Order*,⁶ and want to facilitate the timely occurrence of requisite testing. Further, we do not want any misunderstanding by Neustar or others to delay the transition. Accordingly, for the limited purpose of transferring the data described in your letter to iconectiv to aid in the transition, and solely with respect to the first sentence of item 4 of the Code, we see no conflict with the Code of Conduct underlying Neustar’s neutrality obligations.

Sincerely,

A handwritten signature in blue ink, reading "Matthew S. DelNero". The signature is fluid and cursive, with the first name "Matthew" and last name "DelNero" clearly distinguishable.

Matthew S. DelNero
Chief
Wireline Competition Bureau

⁶ See *LNPA Selection Order*.